

Environmental Protection Agency

§ 97.402

Michigan
North Carolina
Ohio
South Carolina
Tennessee

[65 FR 2727, Jan. 18, 2000, as amended at 72 FR 46394, Aug. 20, 2007; 72 FR 56920, Oct. 5, 2007; 72 FR 57215, Oct. 9, 2007; 72 FR 59487, Oct. 22, 2007; 72 FR 72263, Dec. 20, 2007; 73 FR 6041, Feb. 1, 2008]

Subpart AAAAA—TR NO_x Annual Trading Program

SOURCE: 76 FR 48379, Aug. 8, 2011, unless otherwise noted.

§ 97.401 Purpose.

This subpart sets forth the general, designated representative, allowance, and monitoring provisions for the Transport Rule (TR) NO_x Annual Trading Program, under section 110 of the Clean Air Act and § 52.38 of this chapter, as a means of mitigating interstate transport of fine particulates and nitrogen oxides.

§ 97.402 Definitions.

The terms used in this subpart shall have the meanings set forth in this section as follows:

Acid Rain Program means a multi-state SO₂ and NO_x air pollution control and emission reduction program established by the Administrator under title IV of the Clean Air Act and parts 72 through 78 of this chapter.

Administrator means the Administrator of the United States Environmental Protection Agency or the Director of the Clean Air Markets Division (or its successor determined by the Administrator) of the United States Environmental Protection Agency, the Administrator's duly authorized representative under this subpart.

Allocate or *allocation* means, with regard to TR NO_x Annual allowances, the determination by the Administrator, State, or permitting authority, in accordance with this subpart and any SIP revision submitted by the State and approved by the Administrator under § 52.38(a)(3), (4), or (5) of this chapter, of the amount of such TR NO_x Annual allowances to be initially credited, at no cost to the recipient, to:

- (1) A TR NO_x Annual unit;
- (2) A new unit set-aside;
- (3) An Indian country new unit set-aside; or
- (4) An entity not listed in paragraphs (1) through (3) of this definition;
- (5) Provided that, if the Administrator, State, or permitting authority initially credits, to a TR NO_x Annual unit qualifying for an initial credit, a credit in the amount of zero TR NO_x Annual allowances, the TR NO_x Annual unit will be treated as being allocated an amount (*i.e.*, zero) of TR NO_x Annual allowances.

Allowable NO_x emission rate means, for a unit, the most stringent State or federal NO_x emission rate limit (in lb/MWhr or, if in lb/mmBtu, converted to lb/MWhr by multiplying it by the unit's heat rate in mmBtu/MWhr) that is applicable to the unit and covers the longest averaging period not exceeding one year.

Allowance Management System means the system by which the Administrator records allocations, deductions, and transfers of TR NO_x Annual allowances under the TR NO_x Annual Trading Program. Such allowances are allocated, recorded, held, deducted, or transferred only as whole allowances.

Allowance Management System account means an account in the Allowance Management System established by the Administrator for purposes of recording the allocation, holding, transfer, or deduction of TR NO_x Annual allowances.

Allowance transfer deadline means, for a control period in a given year, midnight of March 1 (if it is a business day), or midnight of the first business day thereafter (if March 1 is not a business day), immediately after such control period and is the deadline by which a TR NO_x Annual allowance transfer must be submitted for recordation in a TR NO_x Annual source's compliance account in order to be available for use in complying with the source's TR NO_x Annual emissions limitation for such control period in accordance with §§ 97.406 and 97.424.

Alternate designated representative means, for a TR NO_x Annual source and each TR NO_x Annual unit at the source, the natural person who is authorized by the owners and operators of